

# For Universal Periodic Review (UPR) on India

## Information on follow-up to the preceding reviews on rights of forest communities in India

1. India adopts currently such laws and measures by which it neglects to follow its UPR recommendations and violates its human rights obligations and commitments on vulnerable tribal and other forest communities' rights on security and equality of tenure, on dignified life and on their own means of subsistence, on non-discrimination and equality of their life-heritages' ways of life, on right to development and progressive realisation of their human rights.

2. Even these vulnerable communities' rights to defend their rights and to protect their forest and environment are violated as if such violations were justified by India's UN-based commitments on development, protection of biodiversity or climate change mitigation. Therefore the United Nations is particularly responsible to clarify that the UN-based commitments in no way justify such violations.

3. It is thus responsibility of the UN authorities who monitor India's human rights, biodiversity and climate change mitigation commitments to ensure that tribal and other forest communities' rights and free, prior and informed consent are respected also by the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) Act. (1) While Indian government has presented CAMPA Act as if it were needed to fulfill India's international commitments on climate change mitigation, forests and on forest dwellers' development, this Act however rather violates these India's UN-based commitments.

### I. On UPR-based recommendations for India related to the tribal and other forest communities

4. In respect to tribal and other minority forest-dwellers India promised in Universal Periodic Review (UPR) 2012 to implement the recommendations to ensure "progressive [...] measures for the promotion and protection of the welfare and the rights of the vulnerable [...] schedules tribes and minorities" (2), to "provide more resources for the enjoyment of economic and social rights" (3) so as "to eliminate the large gap that exists between the rich and the poor". (4) Earlier in India's first UPR in 2008, while India's high commercial growth had not benefited much the most powerless sections, it was asked whether and how India would "ensure that this economic development was not detrimental to the enjoyment of human rights by all sections of the population" and reverse "this worrying trend undermining the fundamental economic rights of vulnerable groups". (5) India replied that it "is committed to the realization of the right to development of all its people and [...] social progress" for all. (6)

5. On the tribal peoples' rights in the first UPR the Republic of Korea "asked for further elaboration on plans to protect these rights in newly industrialized zones" (7) and Azerbaijan also asked India about "the difficulties experienced by [...] Tribes in terms of their human rights" and "what national plans exist on Internally Displaced Persons". (8) As its reply on question of "displacement of tribal people from forest lands, India noted that based on a Supreme Court decision, no land can be diverted from forest use, without prior approval and there can be no displacement unless there is a comprehensive proposal to resettle the tribes as part of the project." (9) In its 2nd UPR 2012 India claimed further its highest sensitivity to protect "forest rights and occupation in forest dwelling STs and other forest dwellers to address their insecurity of tenurial and access rights" through its Forest Rights Act (FRA) (10) and its commitment "to promote the right to equal opportunity for, and at, work". (11)

6. While India has to ensure "progressively the full realization of the rights" of the vulnerable forest communities "to the maximum of its available resources", "by all appropriate means, including particularly the adoption of legislative measures" (12) and approved the UPR recommendation to ensure "progressive [...] measures for the promotion and protection of the welfare and the rights of the vulnerable [...] schedules tribes and minorities" (13), now India on the contrary weakens these forest communities' rights, takes away their resources and the equality of their traditional forest occupations and adopts retrogressive laws and measures which forcibly displace these vulnerable communities and in a discriminatory manner deprive them of their forest rights and occupations and of their means and ways of life, like for example the CAMPA Act is doing.

7. India does not in this respect duly fulfill its obligations and commitments - and particularly if it does not even try to respect its responsibility to "Implement Treaty Body recommendations and develop a National Action Plan to eliminate all forms of discrimination" (14) and to "ensure that laws are fully and consistently enforced to provide adequate protections for members of [...] adivasi groups" (15) and "marginalized and vulnerable groups particularly by ensuring effective implementation of relevant laws and measures" in all levels and sectors of administration. (16) The referred Treaty Body recommendations to be implemented to eliminate discrimination include also that:

8. As "tribal communities have been evicted from their land under the 1980 Forest Act or in order to allow private mining activities" in discriminatory scale, India has to "ensure that tribal communities are not evicted from their lands without seeking their prior informed consent and provision of a adequate alternative land and compensation, that bans on leasing tribal lands to third persons or companies are effectively enforced, and that adequate safeguards against the acquisition of tribal lands are included in the Recognition of Forest Rights Act (2006) and other relevant legislation." Otherwise "large scale projects [...] on territories primarily inhabited by tribal communities" easily "result in the forced resettlement or endanger the traditional lifestyles of the communities concerned." (17)

9. As after that recommendation India had required forest communities' consent for any resettlement from the forest lands and resources they have traditionally used in compliance to the Forest Rights Act (FRA) their rights of forest communities' consent required for any resettlement, now through the new CAMPA Act India seems to be in a process of taking away or weakening this right of the vulnerable forest communities. CAMPA would undermine this legal right further even though already earlier the implementation of this right had not been duly realised but compilation of UN information on India in UPR 2012 presented how India had not yet respected but neglected the implementation of this promised FRA-provided tenurial security:

10. **a)** On displacement of tribal forest communities in 2011 the UN "High Commissioner for Human Rights stated that, in India, social unrest and conflicts over land acquisition for development and mining projects had increased in recent years. Adivasis defending their ancestral lands and community forests were often subject to threats and harassment, despite the existence of constitutional protections, Supreme Court judgments and progressive national legislation requiring consent of tribal communities, and community rights over forest use." (18)

11. "When indigenous communities are alienated from their lands because of development and natural resource extraction projects [...] such projects result in human rights violations involving forced evictions, displacement and even loss of life". "This is certainly not what we mean by development" and particularly not in case of the projects "initiated without consultation or consent of the very people who are dispossessed of their land". (19)

12. **b)** Also India's National Human Rights Commission verified in 2012 that "rapid growth, the development of infrastructure and the expansion of mining industries, had all led to massive displacements of populations, often without their informed consent" and "usually those displaced were given neither adequate relief, nor the means of rehabilitation." (20)

13. India has thus to "take immediate measures to enforce laws and regulations prohibiting displacement and forced evictions effectively, and ensure that persons evicted from their homes and lands are provided with adequate compensation" and "that no development initiative is carried out without effective consultation with the local communities" to prevent "any potential negative impact on the right of everyone to take part in cultural life" also by "conducting social audits" like noted in the compiled UN information on India in UPR 2012. (21)

## II. On violated rights

14. Government is responsible to consult forest communities on plantations planned to areas they have traditionally used, not just because Indian minister promised so to the parliament on CAMPA Bill but because not only India's Forest Rights Act (FRA) but also India's diverse international commitments require India to ensure by consultations that rights of the affected people are not violated and that their free, prior and informed consent is respected as follows:

15. If tribal and traditional forest communities' rights on use of forest for living and livelihood are affected, their free and informed consent is required prior to such projects. The international human rights law requires governments to protect the security of tenure against forced eviction and involuntary displacement by development projects and particularly so in case of such lands which indigenous people have traditionally used .

16. CAMPA Bill does not have the legal safeguards which the international law requires to protect the security of tenure against forced eviction and involuntary displacement. Similar projects in India taken without community's consent "have resulted in the displacement of millions of families, most of whom have not received adequate compensation" (22) which violates human rights.

17. In India we have seen the conditions of illegal forced eviction or involuntary displacement being maintained in areas where Particularly Vulnerable Tribal Groups and pre-agricultural forest communities live. These vulnerable forest-dwelling peoples' rights to their culture of their own means of subsistence, to their own life-heritages and ways of life have been violated and they have been involuntarily displaced from their homes or from their ancestral

lands or resources which they have traditionally used for their livelihood and way of life.

We have seen in India diverse such violations, including for example how:

**- Kutia communities in Kandhamal in Orissa have been deprived of their traditional podu cultivation lands due to the monoculture teak plantations like those planted under CAMPA**

**- Baiga communities of Kabirdham in Chhattisgarh have been forcibly harassed to be evicted by demolishing their huts for forest management policy or have remained involuntarily deprived of their ancestral lands, forests and cultivations without compensation due to mining**

**- Paliyan communities in Dindigul and Theni districts of Tamil Nadu have been deprived of their traditional use of forest lands**

**- Bambu workers in North Bastar of Chhattisgarh and in Gujarat have been deprived of their traditional livelihood use of the forest areas, bamboo and other resources they have traditionally used**

**- Fishing and forest produce gathering communities in Sundarbans have been harassed for their sustainable livelihood use of the mangrove forests and even their lives and physical security have been exposed by the government's tiger tourism policies**

When needed, we can also provide further evidence and audiovisual documentation how in these cases their following rights have been or are violated:

#### **A) Tribal and minority peoples' rights to their culture of their own means of subsistence in their forest communities**

18. As responsible for "granting a secure and inalienable right to those communities whose right to life depends on right to forests" (23) in consulting the forest communities to whose life-heritage the forestlands belong, in aiming to take such lands away from them to other commercial purposes, the government is primarily obliged to "ensure that such exploitation in no circumstances infringes" cultural equality of their human rights:

- As they "shall not be denied the right, in community with the other members of their group, to enjoy their" (24) own "way of life which is closely associated with territory and use of its resources" (25), their forest life has to be secured

- As only the traditional forest community can express its own life-heritage of its traditional use of its forest-area, the decisions that affect it require "the free, prior and informed consent of the members of the community" "to ensure the [...] cultural identity", "form of subsistence" and "the very survival of the community" are protected. (26)

- India has to "respect the principle of free, prior and informed consent of indigenous peoples in all matters covered by their specific rights" - on their life-heritage's ancestral lands and on "their particular way of life, including their means of subsistence" (27) of which "in no case may a people be deprived" - also not in case of "conflict between those who depend on land for subsistence and other stakeholders who may want" land "for other purposes". (28)

- All forest dweller minorities have right to participate as "communities in the design and implementation of laws and policies that affect them" so that state has to "obtain their free and informed prior consent when the preservation of their cultural [...] way of life and cultural expression, are at risk." (29)

#### **B) Tribals and other forest dwellers forcibly displaced in highly discriminative scale**

19. CAMPA plantations and the forest destruction they are assumed to 'compensate' both violate human rights also by discriminating against tribal and other forest dwellers. While less than 9% of people in India are tribal, still its 30 million displaced tribal people are more than 40% of the people displaced in India since 1947. (30) As "indigenous people, ethnic and other minorities [...] suffer disproportionately from the practice of forced eviction" there is "an additional obligation upon Governments [...] to ensure that no form of discrimination is involved" in displacing people. (31) Even when displaced in the name of conservation "the loss of the guardianship of indigenous peoples and the placing of their lands under the control of government [...] has left such areas exposed to destructive settlement, extractive industries, illegal logging, agribusiness expansion and large-scale infrastructure development". "Displacement from protected areas continues across India through a combination of misinterpretation, coercion, and inducement" and "Adivasis and tribal peoples have been evicted from tiger reserves for decades, often without any form of reparation." Government is however in these respects responsible to "provide redress for historical and

contemporary wrongs" (32) also under the Forest Rights Act in India.

20. As property status is "prohibited ground of discrimination" and human rights like security of tenure or access to water can "not be made conditional on a person's land tenure status" (33) government is responsible for "ensuring security of tenure of all [...] regardless of the type of tenure". (34) As the right to "protection from forced eviction should not be made conditional on a person's land tenure status" the law has to protect equally the diverse customary types of tenure of land use. (35) India is thus responsible for "conferring legal security of tenure upon those" customary tenure forms "currently lacking such protection, in genuine consultation with affected" (36) and to "ensure that [...] no decisions directly relating to their rights and interests are taken without their informed consent". (37)

### **C) Economic, social and cultural human rights violated by retrogressive measures**

21. While India is "to the maximum of its available resources" "by all appropriate means, including particularly the adoption of legislative measures" responsible to ensure "progressively the full realization of the rights"(38) CAMPA is oppositely retrogressive; it wastes vast available resources in a way that only weakens the realization of vulnerable forest communities' rights and takes away forest communities' due right of "requiring the consent of Gram Sabhas for projects involving use of indigenous forest lands", a right "consistent with international human rights standards". (39)

22. "Any deliberately retrogressive measures in relation to the right to take part in cultural life" violate human rights. "The duty to progressively fulfil economic, social and cultural rights implies a prohibition of measures that would limit the realization of the rights". (40) CAMPA would limit the realisation of these rights from forest communities and culturally equal realisation of their human right to development including tribal communities' right "to determine and develop priorities [...] for the development or use of their lands" by the requirement of "their free and informed consent prior to the approval of any project affecting their lands". (41)

23. Against India's commitments its current ministers assume that to require tribal people's consent on tribal development would deprive them of development - or be a 'sin' that would block tribal development! (42) But if in 'tribal development' the tribal people are not allowed to decide what is development for them, then "even in cases where consultations of affected communities have taken place" "violations of human rights in the [...] plantations" occur when "the free, prior and informed consent of affected communities is not always sought". This endangers "the right to livelihood, the right to food, the right to water, labour rights and cultural rights". (43) (see section 4 of the attached Annex)

24. India was recommended in UPR 2012 also "to reduce the high level of maternal and child mortality" (44) which is high particularly among those vulnerable tribal groups who have been involuntarily displaced from their habitats. (45) The historical injustice of displacement and discrimination which violate their rights and which India had promised to correct by the FRA would be on the contrary only further intensified by CAMPA Bill that "will lead to the driving out of tribals from their homelands. The lands of the tribals will be snatched away" as observed even by the previous Tribal Minister of India (46) who considers that "CAMPA totally nullifies and negates" community rights and the role of the gram sabha and is "in its present form [...] detrimental to tribal rights" "a retrograde measure". (47)

### **D) Human Rights Defenders harassed and their work oppressed and rights violated**

25. As even these vulnerable communities' rights to defend their rights and to protect their forest have been violated continuously, India was repeatedly requested in 2012 UPR to "implement the recommendations made by the Special Rapporteur on the rights of human right defenders following her visit in 2011, with particular emphasis on recommendations that concern [...] defenders of minorities rights, including Dalits and Adivasi" (48), recommending:

26. Authorities have "to respect the work and the rights and fundamental freedoms of human rights defenders" and carry out "impartial investigations on violations committed against human rights defenders" (49) of Adivasis who "have been subjected to severe violations of their rights by state Governments and private actors who often act in collusion to exploit" "the ancestral land, water and resources of Adivasis" which "are part of their identity as well as livelihood". While such ancestral lands are "often rich in minerals and natural resources", "frequently, Adivasis's non-violent means of protests against exploitation of their lands and displacement have been met by violent state response. They are often arrested and placed in detention with false cases." (50)

27. The government tries to silence the criticism on human rights violations. When activists try to defend the legal rights of the forest communities they get harassed and threatened by the Forest Department and other authorities without any evidence presented for the legality of such harassment. Also when human rights defenders from the other countries visit India they become blacklisted for fully legal activities of defending human rights so that when they apply visa next time they are neither given visa nor any official reasons why they are not given visa.

28. India's minister of environment, forest and climate change says "funding of non-governmental organisations (NGOs) to disrupt developmental activities in India won't be allowed" (51) but should be prevented through Foreign Contribution Regulation Act. The UPR request however India to implement the recommendations of the Special Rapporteur on the rights of human right defenders including that "the Foreign Contribution Regulation Act should be critically reviewed or repealed" (52) and "The National Human Rights Commission should [...] monitor the denial of registration and permission to receive foreign funding for NGOs, with a view to amending or repealing the bill". The national and states' Human Rights "Commissions should also monitor the full implementation by India of recommendations made by United Nations human rights mechanisms, including special procedure mandate-holders, treaty bodies and the universal periodic review". (53)

#### **E) Commitments on conservation misinterpreted to allow and justify violations**

29. India is internationally obliged to "ensuring that the prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to grant" such access (54), including how India's forest communities have the FRA-established right to control any access "affecting their cultural and natural heritage" or "any activity which adversely affects the wild animals, forest and the biodiversity" (55) - adversely affected by CAMPA-type plantations of few tree species.

30. India shall "not restrict the customary use and exchange of genetic resources" by indigenous and local communities" (56) but enable their "adaptive community-management systems to conserve and sustainably use forest" biodiversity and "maintenance of cultural diversity as an instrument to enhance" forest biodiversity (57) "recognizing the importance of the practices of indigenous peoples and local communities and the role of natural regeneration in living systems". (58)

31. But what is India doing in the name of biodiversity conservation commitments? Who is responsible as in the name of conservation people are shot dead (like in Buxa tiger reserve or Kaziranga) or wildlife exposed to tourism continues to kill people like in Sundarbans tiger reserve? Can such killing continue to be maintained in the name of CBD in-situ conservation commitments? Due "in-situ conservation" does not allow tourism, plantations or other sanctuary based industry to disturb wildlife in a manner which exposes people to be violated or even killed by the disturbed wildlife.

32. But the more a state destroys natural forests by industry the more it gets CAMPA fund for "massive plantations". This destruction of forest / biodiversity is seen as 'compensated' by counting as 'forest increase' that how biodiverse ecosystems are displaced by monoculture trees - of which only 12 % grow up as forest. (59) As "forest land is diverted for non-forest purposes" so that "the 'Legal Status' of the area will continue to be 'Forest land'" thus "highways, airports, mines, railway lines, dams, residential buildings etc are actually 'forest' in the government records". Thus "the land classified as forest has not shown any decrease despite significant forest loss across the country". (60)

33. As to expand industries which destroy the forest and monocultures which destroy biodiverse ecosystems (61) the government would need more land than it legally has, it aims to grab lands from forest communities by CAMPA and by changing the FRA (62) to take away communities' legal "right to protect, regenerate, or conserve or manage any community forest resource, which they have been traditionally protecting [...] for sustainable use". (63)

34. As such Community Forest Resource belongs to "those communities whose right to life depends on right to forests" as their "inalienable right" (64) and as the fundamental right to life under Article 21 of the Constitution of India includes according to the Supreme Court of India the right to healthy environment and right to livelihood, where forest is destroyed or polluted, the "polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology" (65), and compensation from the destruction of the forest on which community's life depends, should go primarily to such community.

35. As nearly 98,8 % of such forests which the communities would have had a legal FRA right to claim and save, they have not had so far opportunity - or not even the required claim forms - to claim, by CAMPA the forest bureaucracy could take most of community forests away to plant monocultures, depriving communities of their legal rights. (66)

#### **F) Commitments on climate action misinterpreted to allow and justify violations**

36. While under the CAMPA the polluter or destroyer of forest pays only to the states who decide to destroy the forests and pays to these states the more the more they decide to destroy their forests, CAMPA pays thus the states to destroy their forests and biodiversity for the commercial interests and to record this destruction as if it were increase of forest and mitigation of climate change even though:

37. Paris agreement demands that States "when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities". (67) UNFCCC is to ensure States "in all climate change related actions, fully respect human rights" and "effective participation of [...] indigenous peoples" as "important for effective action on all aspects of climate change". (68)

38. While regarding CAMPA funds India's minister of environment, forest and climate change "would like to see this money go to states as soon as possible" to reach by 2020 the objectives regarding climate change as understood by him (69) however "in any climate change adaptation or mitigation measure, such as the [...] forest conservation, tree-planting projects and resettlement", affected communities "must participate, without discrimination, in the design" of the project. "Actions likely to have an impact on their rights should not be taken without their free, prior and informed consent" but respect how "legal recognition of community forest rights can substantially reduce" emissions. (70) As "increasing evidence supports the correlation between secure indigenous tenure and positive conservation outcomes, at times better than those achieved in State-managed protected areas" which displace people and "as the creation of protected areas and emerging conservation activities is further advanced by climate change initiatives [...] and enhancement of forest carbon stocks in developing countries, the active participation of indigenous peoples in these processes is essential" (71) to protect them from violations.

### **Summary: Tribal and other vulnerable forest dwellers' rights violated by CAMPA Act & commercial takeover of forests**

39. Forests in India sustain human lives in sustainable and most efficient way by the forest use of the local forest communities since non-Himalayan India's relatively small forest areas have continued to sustain much larger amount of people per each sustained forest cubic meter than perhaps anywhere else in the world and "up to 71.7% of the country's dense forest cover is found in the 188 tribal districts" according to the Forest Survey of India, 2011. But "the recommendations of the High Power Committee" (the Subramanian Committee), set "by the Government of India with the objective "to provide more freedom to private sector to function", can only exacerbate the current twin crisis of biodiversity degradation and deepening poverty within the forest-dependent communities". (72)

40. As CAMPA Act risks severely India's international commitments on such communities' rights on their subsistence, life-heritage and ways of life, on their forest based sources of food, health, water, biodiversity, home, habitat and customary forest use and traditional occupations in the lands and forests which they have traditionally used, these communities' free, prior and informed consent has to be required for CAMPA style plantations, but is not now secured in the CAMPA Act.

41. We recommend India to prevent all the above-presented violations. India has to remove its CAMPA Act or to authorise the UN Human Rights bodies to secure that such amendments, conditions and rules of implementation are set for this Act which ensure it can not deprive vulnerable forest communities of their above-presented rights.

42. As "India has not recognized the competence of any of the treaty bodies to consider individual communications" and "international treaties [...] cannot be invoked directly before the courts" in India (73), the bureaucracy has an open space to misuse UN-based commitments on development, biodiversity or climate change mitigation arbitrarily as if they would justify the violations done by the officials for their own interests. We request the UN authorities to clarify how the UN-based commitments on development, biodiversity or climate change mitigation can in no way justify such violations by which the Forest Department and other bureaucracies in India benefit by distributing the lands away from forest communities to the corporations.

### **Notes and references**

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3. A/HRC/21/10, recommendation 138.130 by Viet Nam and its approval by India in A/HRC/21/10/Add.1
4. A/HRC/21/10, recommendation 138.134 by Chad and its approval by India in A/HRC/21/10/Add.1
5. A/HRC/8/26, 23 May 2008, paragraphs 42 and 86 on Algeria's view and recommendation
6. A/HRC/8/26/Add.1
7. A/HRC/8/26, paragraph 50
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9. A/HRC/8/26, paragraph 78
10. A/HRC/WG.6/13/IND/1, paragraph 110
11. A/HRC/21/10, recommendation 138.78 by Holy See and its approval by India in A/HRC/21/10/Add.1
12. ICESCR, article 2.1
13. A/HRC/21/10, recommendation 138.75 by Ghana and its approval by India in A/HRC/21/10/Add.1

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15. A/HRC/21/10, recommendation 138.72 by the United States of America
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18. A/HRC/WG.6/13/IND/2, paragraph 68
19. Message from the United Nations High Commissioner for Human Rights for 2011, <http://www.un.org/en/events/indigenousday2011/ohchr.shtml>
20. National Human Rights Commission, NHRC-India, Submission to the UN Human Rights Council for India's Second Universal Periodic Review, note 6 and paragraph 25 and A/HRC/WG.6/13/IND/3, section 28
21. A/HRC/WG.6/13/IND/2, paragraphs 56 and 65
22. UN Committee on Economic, Social and Cultural Rights, CESCR, E/C.12/IND/CO/5, paragraphs 31 and 84 and CESCR, General comment No. 7: The right to adequate housing: Forced evictions, paragraph 1 and CESCR, General comment No. 4: The right to adequate housing, paragraphs 3 and 8 (a) and United Nations Declaration on Rights of Indigenous Peoples, UNDRIP, articles 10 and 25
23. Supreme Court of India, Judgement on Niyamgiri 18.4.2013, section 42
24. International Covenant on Civil and Political Rights, ICCPR, article 27 and UN Doc. CCPR/C/NIC/CO/3 of 12 Dec 2008, para. 21(c)
25. UN Committee on Civil and Political Rights, CCPR General Comment 23, CCPR/C/21/Rev.1/Add.5, 26 April 1994, paragraph 3.2
26. CCPR, Angela Poma Poma v. Peru, c. No. 1457/2006, paragraphs 7.2 -7.6, A/HRC/17/38, paragraph 39
27. CESCR General Comment 21, E/C.12/GC/21, Right of everyone to take part in cultural life, paragraphs 36-37
28. ICESCR, article 1.2 and see also E/2014/86, Report of the UN High Commissioner for Human Rights on land and human rights, paragraphs 4, 21, 28 & 62 and CCPR draft General Comment on right to life 3 and 28
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30. <http://www.indiaspend.com/cover-story/anger-in-coal-rich-orissa-district-reflects-indias-flawed-mining-policies-99723>
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32. A/71/229, paragraphs 17, 57 and 76
33. CESCR, E/C.12/GC/20, paragr. 25, 34 & 36, GC 15, E/C.12/2002/11, paragr 14 & 16 and CESCR General comment 4, paragr 8 a
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35. ICESCR, articles 2 & 11.1 and CESCR, General Comment 20 on Non-discrimination, E/C.12/GC/20, paragraphs 9,
36. UN Committee on Economic, Social and Cultural Rights, CESCR, General comment No. 7: The right to adequate housing: Forced evictions, paragraph 1 and CESCR, General comment No. 4: The right to adequate housing, paragraphs 3 and 8 (a))
37. CERD, General Recommendation 23, 4 (d)
38. ICESCR, article 2.1
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40. E/C.12/GC/21, paragraph 65, ICESCR, article 2.1, General comment No. 3: The nature of States parties' obligations, paragraph 9 and E/2015/59, Report of the United Nations High Commissioner for Human Rights, paragraphs 23 and 25
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45. N. Bajpai & R. H. Dholakia, 2011: "Improving the integration of health and nutrition sectors in India", page 8 [http://globalcenters.columbia.edu/mumbai/files/globalcenters\\_mumbai/Improving\\_Integration\\_of\\_Health\\_and\\_Nutrition\\_Sectors\\_CGCSA\\_Working\\_Paper\\_2.pdf](http://globalcenters.columbia.edu/mumbai/files/globalcenters_mumbai/Improving_Integration_of_Health_and_Nutrition_Sectors_CGCSA_Working_Paper_2.pdf)
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48. A/HRC/21/10, recommendation 138.68 by Norway, see also recommendations 138.67 by Spain and 138.43 by Czech Republic
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51. [http://www.business-standard.com/article/pti-stories/compensatory-afforestation-fund-has-over-rs-40k-cr-deposits-116082000822\\_1.html](http://www.business-standard.com/article/pti-stories/compensatory-afforestation-fund-has-over-rs-40k-cr-deposits-116082000822_1.html)
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54. Nagoya Protocol, article 6 b
55. FRA, section 5 c-d
56. Nagoya Protocol, article 12.4
57. CBD, COP Decision VI/22, Annex Expanded programme of work on forest biodiversity, Programme Element 1, Goal 4, objective 3
58. UNEP/CBD/SBI/REC/14, paragraph 45
59. <http://www.hindustantimes.com/nation-newspaper/plantation-projects-on-an-overdrive-but-green-cover-shows-little-increase/story-i518jYwVPfrVjNiK3KuTO.html>
60. <http://www.deccanherald.com/content/563137/how-create-forests.html>
61. <http://www.deccanherald.com/content/563137/how-create-forests.html>
62. CAMPA Bill and see also "Eighteenth Report, Committee on Petitions (sixteenth Lok Sabha) Ministry of Tribal Affairs and Ministry of Environment, Forest & Climate Change", August, 2016, section 16
63. FRA, section 3.1(i)

64. Supreme Court of India, Judgement on Niyamgiri 18.4.2013, section 42
65. <http://www.thehansindia.com/posts/index/Opinion/2016-08-19/A-cry-in-the-wilderness/249319>
66. Rights and Resources Initiative, et al.; Potential for Recognition of Community Forest Resource Rights Under India's Forest Rights Act, July 2015, page 3, [http://www.rightsandresources.org/wp-content/uploads/CommunityForest\\_July-20.pdf](http://www.rightsandresources.org/wp-content/uploads/CommunityForest_July-20.pdf)  
Note that this estimation is based on the partial information available on CFR rights area recognized under six states (Gujarat, Karnataka, Maharashtra, Odisha, Rajasthan and Tripura) out of fourteen states where FRA implementation has been taken up in a substantial manner, however the estimated CFR potential area has been considered for the all fourteen states. The fact that so many states have not been able to bring further the required legal registration process during the 8 years of the Act shows certain implementation deficiency - which would result to violation, if the concerned areas would be allowed to become captured for other commercial or private purposes of other people even before the forest rights of the forest dwellers of those areas have been duly recorded and implemented.
67. Paris Agreement, preface
68. FCCC/CP/2010/7/Add.1, paragraphs 7-8
69. <http://timesofindia.indiatimes.com/home/environment/developmental-issues/Forest-laws-will-be-strengthened-says-Union-minister-Anil-Dave/articleshow/53788410.cms>
70. A/HRC/32/23, Report of the Office of the United Nations High Commissioner for Human Rights 6 May 2016. Analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health, paragraphs 37,47, 52 & 59
71. A/71/229, paragraphs 65 and 67
72. S. Faizi and M. Ravichandran A framework for reforming India's forest biodiversity management regime / Natural Resources Forum 40 (2016) pages 103 and 107